IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8624 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

BASHIR AHMED BELIM

Versus

DHORAJI MUNICIPALITY

Appearance:

1. Special Civil Application No. 8624 of 1988

MR MEHTA for MR PV HATHI for Petitioner No. 1

MR ND NANAVATI for Respondent No. 1

MR AJ DESAI AGP for Respondents No. 2-3

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/10/2001

ORAL JUDGEMENT

1. Learned counsel Mr.Mehta for Mr.Hathi fairly conceded that the principal amount due to the petitioner

has been, albeit by instalments, fully paid to the petitioner as per the statement of calculations submitted today. The learned counsel vehemently pressed for award of suitable costs and interest for the delayed payment of retiral benefits.

2. The learned counsel for the respondent Municipality submitted that the payment of retiral benefits had been delayed due to the difficult financial condition of the respondent and it would not be fair to impose any additional burden on the respondent which is an institution of local self-government. A statement was, however, made that the amount of bonus due, if at all, to the petitioner shall be paid to him if and when the amount of such bonus for the period in question is paid to the other similarly situated employees. It is further stated that in case of the recommendations of the 4th Pay Commission being implemented by the respondent and in case the petitioner is found eligible for the same for any period of his service, the benefit of the same shall be given to him. Recording the above statement and in the facts and circumstances, the petition is required to be disposed with no order regarding interest or costs. Accordingly, the petition stands disposed with no order as to costs. Rule is discharged.

Sd/-

19.10.2001 (D.H.Waghela, J.)

(KMG Thilake)